

1 U.S. DISTRICT JUDGE BARBARA J. ROTHSTEIN  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
TACOMA DIVISION

TIMMY R. TRIBBETT, )  
Plaintiff, ) CIVIL NO. 3:22-cv-05147-BJR  
vs. )  
COMMISSIONER OF SOCIAL SECURITY, )  
Defendant )

This matter comes before the Court on the Plaintiff's motion for attorney's fees, ECF No. 15, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

The Court issued its final decision on May 11, 2023, ECF No. 14, and entered judgment on August 28, 2023, ECF No. 18. Therefore, the Court deems Plaintiff's application timely. *See Akopyan v. Barnhart*, 296 F.3d 852 (9th Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Upon review of the record, the Court determines that Plaintiff is the prevailing party, the government's position was not substantially justified, and that the itemization of attorney time spent is reasonable. In short, the requirements of § 2412(d)(1)(B) are met.

ORDER FOR EAJA FEES - 1

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Further, the Government has not opposed the motion, *see* ECF No. 17. Having considered the parties' briefing and the relevant record, the Court hereby GRANTS the motion and awards Plaintiff \$4,562.72 in attorney's fees, subject to any offset allowed under the Treasury Offset Program. *See. Astrue v. Ratliff*, 560 U.S. 586, 589 – 590 (2010). Payment of EAJA fees shall be sent to Plaintiff's attorney by either EFT or check: David Oliver at David Oliver & Associates, 2608 South 47<sup>th</sup> Street, Suite C, Tacoma, WA 98409. Pursuant to *Ratliff*, award shall be payable to Plaintiff's attorneys, David Oliver at David Oliver & Associates, if the Commissioner confirms that Plaintiff owes no debt to the Government through the Federal Treasury Offset program.

For the foregoing reasons, Plaintiff's motion for attorney fees, ECF No. 15, is GRANTED.

DATED September 13, 2023.

Barbara Rothstein

Barbara J. Rothstein  
United States District Judge

Presented by:

S/David P. OLIVER  
David P. Oliver,  
Attorney for Plaintiff

## ORDER FOR EAJA FEES - 2

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